

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1858.—Ordered to be printed.

Mr. KING, made the following

REPORT.

[To accompany Bill S. 256.]

The Committee on Military Affairs and the Militia, to whom was referred the memorial of Alexander Randall, executor of D. Randall, deceased, having had the same under consideration, report :

That the memorialist prays for the passage of an act explanatory of the act of 18th August, 1856, granting him a commission upon certain moneys collected and received by him as chief of the pay department of the United States army in Mexico, during the war with that republic.

The following is the act :

AN ACT for the relief of Adam D. Steuart, and of Alexander Randall, executor of Daniel Randall.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled : That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Adam D. Steuart, and to Alexander Randall, executor of Daniel Randall, out of any money in the treasury not otherwise appropriated, a commission of one per cent. upon such amounts of money as were respectively collected by the said Adam D. Steuart and Daniel Randall, and by them disbursed or paid into the treasury of the United States, in virtue of the authority specially invested in them, by order of the commanding general of the United States army, and arising from duties on imports, taxes, or other assessments in Mexico, during the late war with that republic.

Colonel Randall's account is as follows :

THE UNITED STATES OF AMERICA,

TO DANIEL RANDALL.

Dr.

For commission on the following sums of money collected and received by him as chief of the pay department in Mexico, during the war with that republic :

1848. Amount received of D. A. Steuart, paymaster United States army, in March and April, (being drafts sent up from collector of customs at Vera Cruz, for collection.....	\$186,125 31
" Amount received from C. Andrews, paymaster United States army, in April, (being also drafts sent up in the same way for collection in the city of Mexico.....	32,293 65
" Amount collected from the Mexican mint, as tax thereupon, in February.....	13,500 00
" Amount collected from municipal authorities, as tax thereupon, in February.....	14,000 00
" Amount collected from R. H. L. Heidsick, custom-house duties, Vera Cruz, in April.....	2,500 00
" Amount collected from Schmidt, Higson & Co., custom-house duties, Vera Cruz, in March and April.....	27,000 00
" Amount collected from C. A. Tornachon, custom-house duties, Vera Cruz, in February.....	135 37
" Amount collected from Calmut, Greaves & Co., custom-house duties, Vera Cruz, in February and April.....	54,934 30
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	330,488 63
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Upon the following sums, being received from other officers of the government, no commission is allowed :

1848.

March 17. Received from A. D. Steuart, paymaster United States army, in cash.....	\$62,478 04
June 8. Received from A. D. Steuart, paymaster United States army, in cash.....	251,800 00
Oct. 14. Received from F. M. Diamond, collector, Vera Cruz.....	103,000 00
" 27. Received from Dr. John Campbell, United States army.....	20,00
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	417,298 04
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Congress obviously intended, in the above act, to allow this memorialist a commission upon such sums of money as came into Daniel

Randall's hands from the sources stated in the first part of the above account, viz: upon \$430,488 63, it being the amount collected and received from the enemy in the enemy's country, mostly upon drafts sent for collection from Vera Cruz to the city of Mexico, where they had first to be accepted, and when, at maturity, presented for payment and the money so received, all in silver dollars, was transported through a country full of robbers, with great personal risk; yet this duty, extraordinary and responsible as it was, was performed without the loss of a dollar to the government.

The act of Congress approved March 3, 1849, allowed all officers or other persons engaged as collectors or receivers in any of the Mexican ports to retain so much of the amounts so received by them as might, in the opinion of the President, be considered a fair compensation for said services, and had Colonel Randall so paid himself, it is conceded he would have been fully justified by that act; but having paid over the whole amount he received, he is compelled to apply to Congress for compensation.

Under the act of 18th August, 1856, the memorialist was paid a commission upon \$112,059, so that for the balance, \$218,429 63, he also claims a commission, and the committee have agreed to allow the smallest rate (1 per cent.) ever allowed for such services. At the last session of Congress an act was passed allowing Colonel A. D. Steuart a similar commission for precisely similar services, and there are numerous precedents for the payment of commission of $2\frac{1}{2}$ per cent. upon amounts disbursed or received under circumstances by no means more extraordinary, or attended with greater danger and responsibility than surround this case. The committee, therefore, report a bill for the memorialist's relief.

